

Remarks/Arguments:

Opening Remarks

Applicants appreciate the time and courtesy extended by the Examiner during the Examiner Interview conducted by telephone on Monday, August 24, 2009. The Interview was attended by Brett J. Rosen (Patent Agent, Reg. No. 56,047) and Examiner Forrest M. Phillips. During the Interview, the features of claims 7 and 17 as well as the details of the cited references were discussed.

Claim Status

Claims 7-9, 11-14, 16 and 17 are currently pending. Claims 7, 8, 13 and 17 have been amended to incorporate features of the T-pipe which are shown in FIGS. 1 and 2. No new matter has been added.

Claim Rejections Under 35 U.S.C. §103

1. Claims 7-9, 12-14, 16 and 17 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent App. Pub. No. 2004/050618 to Marocco in view of DE 20115656 to Faurecia. Applicants respectfully request reconsideration of the rejection of these claims and respectfully submit that these claims are patentable over Marocco and Faurecia for the reasons set forth below.

Independent claim 7 recites limitations that are neither disclosed nor suggested by Marocco and Faurecia. Specifically, claim 7 generally recites, *inter alia*, a T-pipe that includes two inlet ports that are oriented along a common axis and an outlet port that is oriented substantially perpendicular to the common axis of the inlet ports. The connection facilitates a cross-flow of exhaust streams between the mufflers to enhance torque and decrease the resultant noise of a motor vehicle.

Faurecia discloses two units 4a and 4b positioned in a casing 6. The casing 6 comprises two half-tubes 62 and 64 (see figure 2 and page 4, lines 26-31). The casing 6 includes a tubular branch piece 18, in the form of a Y-pipe, which is integrated with the casing 6 (see page 3, line 20 to page 4, line 8). In contrast to the features of claims 7, Faurecia's tubular branch piece 18 does not include inlet ports that are oriented along a common axis as

a result of the Y shape of tubular branch piece 18. For that reason, Faurecia's tubular branch piece 18 does not facilitate cross-flow of the exhaust products between the units 4a and 4b positioned in the casing 6. As indicated by arrows 'A' in FIG. 1 of Faurecia, two exhaust streams travel separately through the units (items 4a and 4b) until they combine together at the union of the Y pipe and exit through the outlet (item 20).

Similarly, independent claim 17 recites the step of coupling another inlet port of the first removably mountable connection pipe (e.g., pipe 30) to a port defined in a muffler of a second exhaust-gas-carrying pipe such that the inlet ports of the first removably mountable connection pipe (e.g., pipe 30) are oriented along a single common axis (e.g., see FIG. 2). As noted above, Faurecia's tubular branch piece 18 does not include inlet ports that are oriented along a common axis as a result of its Y shape.

Claim 7 also recites, *inter alia*, removably mountable connection pipes of a double-flow exhaust system. The advantages of removably mountable connection pipes are described in Applicants' specification, namely, "by separating the two exhaust lines in the area of the end muffler, the individual exhaust line can be assembled as a preassembled constructional unit in order to then complete it on the vehicle to form the entire exhaust system. By separating the U-shaped entire exhaust system in the area of the end muffler, a transport of the preassembled constructional unit also becomes possible..." (see paragraph 6 of Publication No. 2009/0020359).

Neither Faurecia nor Marocco disclose or suggest the removably mountable connection pipes that are recited in claim 7 or the assembly steps recited in claim 17. More specifically, because Faurecia's tubular branch piece 18 is integrated with and encapsulated within the casing 6 and the units 4a and 4b are positioned within the casing 6, the tubular branch piece 18 is not removably mounted to a muffler. Moreover, the tubular branch piece 18 does not include inlet ports that are removably mounted to a port of a respective muffler. Furthermore, Figure 16 of the Marocco reference discloses two exhaust sound attenuation devices (items 528a and 528b) that are interconnected by two pipes (items 530). There is no indication that the pipes 530 are 'removably mountable' to the exhaust sound attenuation devices.

Applicants respectfully submit that one of skill in the art would have no reason to combine the teachings of Faurecia and Marocco to yield Applicants' claimed invention as it is

recited in claims 7 or 17. Moreover, the Office Action has not provided any reason for combining the teachings of the Faurecia and Marocco references.¹

Accordingly, because claims 7 and 17 each includes limitations that are neither disclosed nor suggested by Marocco and Faurecia and the Office Action has not provided any reason for combining the teachings of the Faurecia and Marocco references, *prima facie* obviousness cannot be established based on those cited references. Claims 8, 9, 11-14 and 16 are dependent upon claim 7, and therefore should also be allowed at least as being dependent upon an allowable base claim. Reconsideration of claims 7-9, 11-14 and 17 is respectfully requested.

2. Claims 11 and 16 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Marocco in view of Faurecia and further in view of U.S. Patent No. 5,907,134 to Nording. Claims 11 and 16 depend from independent claim 7 and include all of the limitations thereof. Independent claim 7 recites features that are neither disclosed nor suggested by Marocco, Faurecia or Nording, namely:

a first removably mountable connection pipe for fluidically connecting the mufflers of the exhaust-gas-carrying pipes, wherein the first removably mountable connection pipe is a T-pipe that includes two inlet ports that are oriented along a common axis and an outlet port that is oriented substantially perpendicular to the common axis of the inlet ports, each inlet port of the first removably mountable connection pipe being configured to be removably mounted to a single port of a respective muffler to receive exhaust gases from the muffler, and said outlet port of said first removably mountable connection pipe being configured to discharge the exhaust gases to a location outside of the internal-combustion engine, and

a second removably mountable connection pipe for fluidically connecting the mufflers of the exhaust-gas-carrying pipes, wherein the second removably mountable connection pipe includes two ports, each port of the second removably mountable connection pipe being configured to be removably mounted to a port of a respective muffler to muffle noise created by the internal combustion engine.

Both Marocco and Faurecia fail to disclose all of the features of amended claim 7 as described previously. Nording does not disclose a T-pipe, a first removably mountable

¹ See M.P.E.P. 2141, "there must be some articulated reasoning with some rational underpinning to support the legal conclusion of obviousness, quoting KSR, 550 U.S. at ___, 82

connection pipe or a second removably mountable connection pipe, and, therefore, fails to overcome the deficiencies of Marocco and Faurecia. Accordingly, because claim 7 includes limitations that are neither disclosed nor suggested by Marocco and Faurecia, *prima facie* obviousness cannot be established based on those cited references. Reconsideration of claims 11 and 16 is respectfully requested.

Conclusion

In view of the amendments in the claims and the remarks set forth above, Applicants respectfully submit that this application is now in condition for allowance, which action is respectfully requested. If the Examiner believes an interview will advance the prosecution of this application, it is respectfully requested that the Examiner contact the undersigned to arrange the same.

Respectfully submitted,



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USPQ2d at 1396."